<u>REMARKS/ARGUMENTS</u>

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-7, and 9-68 are pending in this application, Claims 2 and 8 having been canceled without prejudice or disclaimer; Claims 25-68 having been withdrawn; and Claims 1, 5, 9, 10, 12, 16, 17, 23, 24, 36, 40, 49, 50, 55, 56, 60, 61, 63-65, and 67 having been presently amended. Support for amended Claims 1, 5, 9, 10, 12, 16, 17, 23, 24, 36, 40, 49, 50, 55, 56, 60, 61, 63-65, and 67 can be found, for example, in the original claims, drawings, and specification as originally filed.[1] No new matter has been added.

In the outstanding Office Action, Claims 23 and 24 were rejected under 35 U.S.C. §101; and Claims 1-24 were rejected under 35 U.S.C. §102(b) as anticipated by <u>Takeo et al.</u> (U.S. Patent No. 7,126,707; hereinafter "<u>Takeo</u>").

In response to the rejection of Claims 23 and 24 under 35 U.S.C. §101, Applicant has amended Claims 23 and 24 in accordance with the suggestions set forth in the outstanding Office Action. Accordingly, Applicant respectfully submits that the objection to Claims 23 and 24 under 35 U.S.C. §101 has been overcome.

In response to the rejection of Claims 1-24 under 35 U.S.C. §102(b) as anticipated by <u>Takeo</u>, Applicant has amended independent Claim 1 to recite features formally of Claim 8. Applicant respectfully submits that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied reference.

Amended independent Claim 1 is directed to an image forming apparatus including, *inter alia*:

> ...a hardware resource;
>
> a program;

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[1] See original Claims 2 and 8.

an examining unit configured to examine said hardware resource and determine whether said hardware resource exists, and output, in response to a positive determination, a normal value and output, in response to a negative determination, an abnormal value as the result of the examination;

a configuration unit configured to store identification of the program and identification of the examining unit correspondingly on a one-to-one basis, the examining unit being executed prior to execution of the program; and

an activating unit configured to activate the examining unit prior to the execution of the program and, in response to the positive determination activate said program.

Takeo is directed to technology for issuing a job to a peripheral device such as a printer, a scanner, a copying machine, facsimile apparatus or an apparatus capable of performing the functions of these devices in a composite manner.[2] However, Takeo fails to teach or suggest "an examining unit configured to examine said hardware resource and determine whether said hardware resource exists, and output, in response to a positive determination, a normal value and output, in response to a negative determination, an abnormal value as the result of the examination," as recited in Applicant's amended Claim 1.

Page 7 of the outstanding Office Action, in the rejection of Claim 8, states that the controller 1 shown in Figure 1 of Takeo determines whether a hardware resource exists. Page 8 of the outstanding Office Action also states that column 18, lines 32-33 of Takeo and Figures 23 and 26 describe an examining unit that determines whether a hardware resource exists and outputs in response to a positive determination, a normal value and outputs, in response to a negative determination, an abnormal value as the result of the examination.

However, column 2, lines 9-17 of Takeo merely describes:

Another object of the present invention is to enable the information processing apparatus to designate, by a control command, the start mode selected by the user, such as a mode for starting the job processing after a start command (start command awaiting mode) or a mode for starting the job processing after a password entry (start command with

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[2] See column 1, lines 9-13 of Takeo.

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password awaiting mode), to the peripheral device, thereby arbitrarily controlling the start timing or the start condition for job output according to the need of the user.

Thus, Takeo does not describe that the controller 1 determines whether or not a hardware resource exits. In Takeo, an information processing apparatus designates to a peripheral device a control command which is used to start the job processing on the peripheral device. Takeo does not describe that it is determined whether or not the peripheral device exists, and if the peripheral device exists, a positive output is produced, and if the peripheral device does not exist, an abnormal value is produced.

Page 8 of the outstanding Office Action also states that Figure 23 of Takeo describes the features formally of Claim 8. However, Figure 23 of Takeo only shows that a normal and interruption mode are designatable for a job assignment start command held by a peripheral device.[3] Further, the normal interruption mode in Takeo is not produced when it is determined whether or not a hardware resource exists.

Accordingly, Applicant respectfully submits that amended independent Claim 1 (and all claims depending thereon) patentably distinguishes over Takeo.

Independent Claims 23 and 24 recite "an examining unit that examines the hardware resource and determines whether said hardware resource exists, and output, in response to a positive determination, a normal value and output, in response to a negative determination, an abnormal value as the result of the examination," and are believed to be patentable for at least the reasons discussed above.
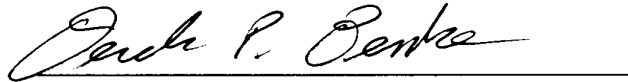
Thus, Applicant respectfully requests the rejection of Claims 1-24 under 35 U.S.C. §102(b) as anticipated by Takeo be withdrawn.

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[3] See Takeo at column 17, lines 10-19.

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Consequently, in view of the present amendment, and in light of the above discussion,

the pending claims as presented herewith are believed to be in condition for formal

allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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